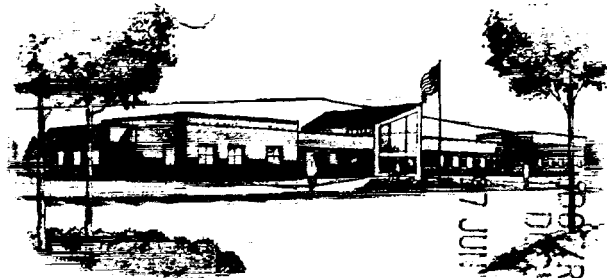




U.S. Chemical & Plastics

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RSPT-1997-12600-1



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RSPT/OHMS
DISKETS UNIT

June 9, 1997

Administrator
Research and Special Programs Administration
US Department of Transportation
400 Seventh Street, S.W.
Washington, DC 20590-0001

Dear Administrator,

U S Chemical & Plastics Inc, is one of the nations largest manufacturers of automotive body fillers and specialty resins. Some of the items we produce are regulated under the Department of Transportation's hazardous materials regulations. The product line in question consists of two materials, one a synthetic resin and the other a catalyst. They are shipped together as a kit and fall under the proper shipping name; Polyester Resin Kit, 3, UN3269, PG III. The resin solution is a Class 3, Flammable Liquid and the catalyst is a Class 5.2, Organic Peroxide.

One specific product line is manufactured and sold only to the industrial market in a special dispensing unit used only in automotive body shops. This product line is a three-gallon fiberboard cylinder sealed at both ends, packaged two per case with six each 4-ounce tubes of catalyst, packaged in plastic tubes, (photos enclosed). This packaging was previously authorized under 173.118. As a company, we ship approximately \$500,000.00 annually in this product line.

The cylinders are placed in a metal dispensing unit and the body filler is dispensed, as needed, for each application, without exposing the unused material to the air; thus prolonging the shelf life and reducing wasted filler. These units are sold by most of our competition and in some instances in much larger quantities. They are sold throughout the United States and Canada and are very popular in the marine industry as well.

I fully understand the Departments concern for shipping flammable liquids in fiberboard, however, this product line and packaging is very specific, and I respectfully request the following rule change and/or addition to Special Provision 40, to include this packaging and this product line-- provided it meets all of the following standards which would offer sufficient protection while being transported in commerce.

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Flammable liquids falling under the proper shipping name of Resin Solution, with a flash point above 85 degrees Fahrenheit, having a viscosity over 75,000 cps, with a specific gravity greater than 1.10, and a weight of 9 lbs. per pound or greater shall be authorized the following packaging exception.

The inner packaging shall be a fiber board cylinder with a metallic coating on the inside of the cylinder which will form a barrier between the resin solution and the fiber board wall; not exceeding twenty-five pounds per cylinder; packaged two cylinders per case in a strong fiberboard box. The two cylinders will be securely fitted inside the strong outer packaging in order to prevent any movement during transportation. The completed packaging must be palletized and secured to the pallet by banding or stretch film which will ensure added safety while being transported.

The purpose of having the specific elements of the product listed above in the special provision is to eliminate the use of this special packaging authorization for other flammable liquids that would pose a greater risk to the environment. By specifying the viscosity, flash point and specific gravity of the product, only body fillers or other related putties would be allowed this packaging authorization. With the viscosity being as high (as mentioned), should there be a rupture of the package there would not be an immediate discharge of product. The material is so thick it would only seep out of the package at a very slow rate, allowing no greater danger than would be present if a UN approved plastic or metal pail ruptured.

The current provisions of Special Provision 40 outline the main packaging line of the polyester resin kits in the sizes of gallons and quart cans. I have previously received a rule change under 173.152 for the polyester resin kits, which was posted in the October 25, 1996 Federal Register, Vol. 61, No. 208 page 55401. The rule change I am proposing would complete the line of packaging used by all manufacturers of body fillers and allow the continued use a a very popular packaging and dispensing unit.

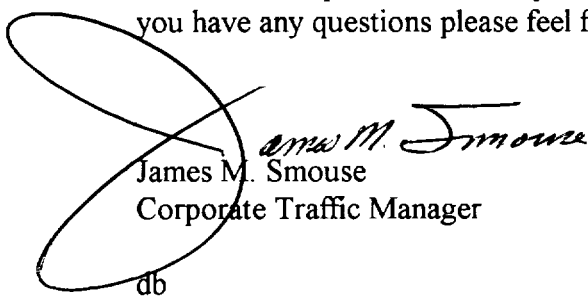
I am a certified Hazardous Materials Instructor and I am confident this packaging authorization would not offer any unnecessary risk to property or life. This product line has been shipped successfully for many years under previous regulations and to date there have been no major incidents.

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U S Department of Transportation

I thank the Department for its prompt and serious consideration for this rule change. Should you have any questions please feel free to contact me at 1-800-321-0672, ext 315.



James M. Smouse
Corporate Traffic Manager

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Encls: Photos

VIA Airborne Express Mail